



# City Council Agenda

Council President  
**Brad Castillo**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun**  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**, Acting President  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, JANUARY 27, 2004**

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)) The Council meeting can also be heard live at the same web site address.

## **8:30 A.M. - ROLL CALL**

Invocation by Guy E. Shannon of the Local Baha "i" Faith

Pledge of Allegiance to the Flag

Proclamation of "HELP LOAN DAY" - Mayor Autry and Council President Castillo

**January 27, 2004      *\*ITEM SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of January 13, 2004

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. **RESOLUTION** - Authorizing the City of Fresno to implement Reasonably Available Control Measures (RACM) and submission to the San Joaquin Valley Air Pollution Control District for inclusion in its extreme area ozone plan - Fresno Area Express

**Action Taken:**

B. **RESOLUTION** - Indicating support by authorizing application to the U.S. Department of Justice for the President's Family Justice Center Initiative \$1.5 Million Grant Program, completion of Memorandum of

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Understanding (MOU) and related documents - Police Dept.

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- C. \* Award a requirements contract to David F. O'Keefe Co. of Lafayette, CA for transit benches, trash receptacle, lid and assembly - General Services Dept./Purchasing Div.  
**Action Taken:**
- D. \* Award a requirements contract to Kelly C. Broyles Construction, Inc. Of Clovis, CA for installation of an 8" water main in N. Katy Lane and N. Cecelia Avenue - General Services Dept./Purchasing Div.  
**Action Taken:**
- E. Approve Amendment to Agreement No. 2 with Blair, Church & Flynn (BCF) for transportation and engineering services for improvements to Friant Road between E. Audubon Drive and E. Shepherd Avenue - Public Works Dept.  
**Action Taken:**
- F. **RESOLUTION** - Of intention to annex Final Tract No. 5173 to the City of Fresno Community Facilities District No. 2, Annexation No. 63 - Public Works Dept.  
**Action Taken:**
- G. **RESOLUTION** - Of intention to annex Final Tract No. 5148 to the City of Fresno Community Facilities District No. 2, Annexation No. 64 - Public Works Dept.  
**Action Taken:**
- H. **RESOLUTION** - Of intention to annex Final Tract No. 5127 to the City of Fresno Community Facilities District No. 2, Annexation No. 65 - Public Works Dept.  
**Action Taken:**
- I. **RESOLUTION** - Of intention to annex Final Tract No. 5206 to the City of Fresno Community Facilities District No. 2, Annexation No. 66 - Public Works Dept.  
**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS**

**9:00 A.M.** Report by Mayor Autry regarding his recent trip to Washington, D.C.

**9:45 A.M.** Presentation by Barbara Goodwin, Fresno County Council of Governments regarding "One Voice" - Fresno Area Express

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## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider Rezone Application No. R-03-66, and environmental findings, filed by Concord Construction, for a 5.26-acre site comprised of two parcels of land located along the east side of N. Maple Avenue, approximately 1,200 feet, north of E. International Avenue (10658 and 10700 N. Maple Avenue **(Property located in District 6)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. R-03-66, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to rezone the site **from** the R-A/UGM (*Single-Family Residential-Agricultural/Urban Growth Management*) zone district **to** the R-1-A/UGM (*Single-Family Residential/Urban Growth Management*) zone district  
**Action Taken:**
- 10:15 A.M. CONTINUED HEARING** to consider Rezone Application No. R-03-21, and environmental findings, filed by LATCO Enterprises, pertaining to a 17.7-acre parcel of land located on the northwesterly side of N. Figarden Drive between N. Santa Fe and W. Sierra Avenues **(Property located in District 2)** - Planning and Development Dept. **(Continued to 5:15 P.M.)**  
**Action Taken:**
- 10:30 A.M. HEARING** to consider Rezone Application No. R-03-45, and environmental findings, filed by Bonadelle Development, for 80 acres of property located on the south side of E. Shields Avenue between N. Armstrong and N. Temperance Avenues **(Property located in District 4)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt the Mitigated Negative Declaration for Environmental Assessment No. R-03-45/T-5233  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to rezone the site **from** the AE-20 (*County*) zone district **to** the R-1/EA/UGM (*Single-Family Residential/Expressway Area/Urban Growth Management*) zone district  
**Action Taken:**
- 10:40 A.M. HEARING** to consider Rezone Application No. R-03-58, and environmental findings, filed by Dirk Poeschel of Land Development Services on behalf of Mr. Goon Puttanumotana, for 15.50 acres of property located on the northeast corner of W. Dayton and N. Blythe Avenues **(Property located in District 1)** - Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. R-03-58, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)  
**Action Taken:**
  2. **BILL** - Amending the Official Zone Map to rezone the site **from** the AE-20/UGM (*Exclusive Twenty-Acre Agricultural/Urban Growth Management*) zone district **to** the R-1/UGM (*Single-Family Residential/Urban Growth Management*) zone district

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**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**10:50 A.M. HEARING** to consider Rezone Application No. R-03-43, and environmental findings, filed by Donald Sims, for 0.17 acres of property located on the southwest corner of E. Whitesbridge Avenue and S. Plumas Street (***Property located in Council District 3***) - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt Environmental Assessment No. R-03-43/S-03-226, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone the site **from** the C-6 (*Heavy Commercial*) zone district **to** the R-2-A (*Low Density Multiple-Family Residential, One Story*) zone district

**Action Taken:**

**11:00 A.M.** Consider approval of Tax Sharing Agreement between the County of Fresno and the City of Fresno relating to the annexation of certain property (Copper River Ranch Project) - Planning and Development Dept.

**Action Taken:**

- a. **RESOLUTION** - Authorizing and directing preparation of any and all documents and agreements necessary to allow early construction grading permits on property within Copper River Ranch Project area in City Sphere of Influence, pending annexation to the City

**Action Taken:**

**2:00 P.M. #1** **CONTESTED CONSENT ITEMS**

**2:00 P.M. #2** **CLOSED SESSION**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Government Code Section 54957

1. **TITLE:** City Clerk

**Action Taken:**

**B. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** City of Fresno v. Robert C. Chao
2. **Case Name:** City of Fresno v. State of California

**Action Taken:**

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**TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**2:00 P.M. #2** **CLOSED SESSION CONTINUED**

**C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)**

**Significant Exposure to Litigation:**

1. **Case Name:** City of Fresno v. Mocon Corporation and Cat Contracting, Inc., a California joint venture, Fidelity and Deposit Company of Maryland, a Maryland Corporation

**Action Taken:**

**D. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6**

**City Negotiator(s):** Jon Ruiz, Adela Gonzalez and Jorge C. Aguiniga

**Employee Organization(s):**

1. Fresno Police Officers' Association (FPOA)

**Action Taken:**

**2:00 P.M. #3** **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

**3:15 P.M.** Direct staff to pursue alternatives for obtaining the land, financing, design and construction of a turn-key fire and law enforcement administration building and communications center - Acting President Perea  
**Action Taken:**

**5:15 P.M.** **CONTINUED HEARING** to consider Rezone Application No. R-03-21, and environmental findings, filed by LATCO Enterprises, pertaining to a 17.7-acre parcel of land located on the northwesterly side of N. Figarden Drive between N. Santa Fe and W. Sierra Avenues (***Property located in District 2***)- Planning and Development Dept.  
**Action Taken:**

1. Consider and adopt the Mitigated Negative Declaration for Environmental Assessment No. R-03-21/C-03-67  
**Action Taken:**
2. **BILL** - Amending the Official Zone Map to rezone a 4.5-acre portion of the 17.7 acre subject site **from** the R-2/UGM/BA-15-20/UGM/cz (*Low Density Multiple-Family Residential/Boulevard Area with 15-20 feet of landscaping/Urban Growth Management/conditions of zoning*) zone district **to** the R-2/UGM/BA-15-20/UGM (*Low Density Multiple-Family Residential/Boulevard Area with 15-20 feet of*

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landscaping/Urban Growth Management) zone district

**Action Taken:**

2. **GENERAL ADMINISTRATION**

- A. \* **RESOLUTION** - In support of Executive Order No. 03-01, approving amendment to AAR No. 2003-209 appropriating the existing \$8.9 million unappropriated reserve to the General Fund Emergency Reserve Line item and thereby establishing a 5% General Fund Emergency Reserve - Finance Department

**Action Taken:**

- B. Request for approval of the Fresno Police Department (FPD) to pursue trade-in of piston helicopters in exchange toward purchase of second EC120 turbine helicopter - Police Dept.

**Action Taken:**

1. Authorizing the Fresno Police Department to pursue trade-in of piston fleet with American Eurocopter in effort to secure another turbine helicopter from American Eurocopter

**Action Taken:**

3. **CITY COUNCIL**

- A. **RESOLUTION** - In support of a University of California Medical School in Fresno - Councilmember Boyajian

**Action Taken:**

- B. Consider adoption of a resolution in support of the 2004 Local Taxpayers and Public Safety Protection Act - Councilmember Calhoun

1. **RESOLUTION** - Supporting the 2004 Local Taxpayers and Public Safety Protection Act

**Action Taken:**

- C. **RESOLUTION** - Supporting the stationing of the Joint Strike Fighter at Naval Air Station, Lemoore - Councilmember Dages

**Action Taken:**

- D. Direct staff to create the necessary documentation to have Baqubah Iraq as a Sister City to the City of Fresno - Councilmember Dages

**Action Taken:**

- E. Public comments regarding City Attorney performance evaluation

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.**

- A. Scheduled Public Comment -

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1. Appearance by Harley Turner to discuss the rezoning of property by Derrell's Mini Storage
2. Appearance by Handy Vang to discuss police action that occurred at the Fresno Fairgrounds during the Hmong New Year celebration (Impounded car and CDL taken away)

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.**  
**Presentation limited to three (3) minutes.**

**B. UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Feb.	3 -	10:00 A.M.	<b>HEARING</b> re: formation of UUD No. FRE-83 (Cedar/Shaw) - Public Works
Feb.	3 -	3:00 P.M.	<b>WORKSHOP</b> regarding Air Cargo - Transportation Dept. - <b>Council Chambers</b>
Feb.	3 -	3:30 P.M.	<b>WORKSHOP</b> on the Community Sanitation Division and Operation Clean-Up - Dept. of Public Utilities - <b>Council Chambers</b>
Feb.	10 -	10:10 A.M.	<b>HEARING</b> to consider Plan Amendment No. A-01-15 and Rezone Application No. R-01-18, filed by Bob Kammen, et al.
Feb.	10 -	2:15 P.M.	<b>WORKSHOP</b> re: Medical plans and Health & Welfare Trust - Personnel Dept. - <b>Meeting Room "A" - 2165N</b>
Feb.	17 -		<b>NO MEETING - PRESIDENT'S DAY</b>
Feb.	24 -	10:00 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 60, Final Tract Map No. 5098
Feb.	24 -	10:05 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 61, Final Tract Map No. 4598
Feb.	24 -	10:10 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 62, Final Tract Map No. 5189
Feb.	24 -	10:15 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 63, Final Tract Map No. 5067
Feb.	24	10:20 A.M.	<b>HEARING</b> re: Rezone Appl. No. R-03-50, Plan Amendment No. A-03-08, filed by Ephesians Management Group
Feb.	24 -	10:30 A.M.	<b>HEARING</b> re: Rezone Appl. No. R-03-17, filed by Lennar Homes
Feb.	24 -	3:00 P.M.	<b>WORKSHOP</b> re: Urban forestation - Public Works Dept. - <b>Meeting Room "A" - 2165N</b>
Mar.	2 -		<b>NO MEETING ELECTION DAY (TENTATIVE)</b>
Mar.	9 -	10:00 A.M.	<b>HEARING</b> re: Rezone Appl. No. R-03-47, Vesting Tentative Tract No. 5169 and CUP Appl. No. C-03-169, filed by harbor & Associates on behalf of Patriot Homes and McKinley Ventures, LLC
Mar.	23 -		<b>NO MEETING</b>
Mar.	30 -	10:00 A.M.	<b>HEARING</b> - To adopt a resolution of intention to vacate portions of Weldon, Glenn, and Calaveras Avenues - Public Works Dept.

**UPCOMING WORKSHOPS**

Feb.	3 -	3:00 P.M.	<b>WORKSHOP</b> regarding Air Cargo - Transportation Dept. - <b>Council Chambers</b>
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**Feb. 10 - 2:15 P.M. WORKSHOP** re: Medical plans and Health & Welfare Trust - Personnel Dept. - **Meeting**  
**Room "A" - 2165N**  
**Feb. 24 - 3:00 P.M.** Urban forestation

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